

Amendments to House Bill No. 464  
3rd Reading Copy

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo  
April 2, 2013 (5:52pm)

1. Title, page 1, line 5.

**Following:** "WAGES;"**Insert:** "CLARIFYING THE CEILING FOR WAGE RATES AND FRINGE BENEFIT RATES;"

2. Title, page 1, line 8.

**Following:** "SERVICES"**Insert:** ", "**Strike:** "AND"**Following:** "HIGHWAY CONSTRUCTION"**Insert:** "SERVICES, AND BUILDING CONSTRUCTION"

3. Title, page 1, line 11.

**Following:** "SECTIONS"**Insert:** "18-2-402,"

4. Page 1.

**Following:** line 15**Insert:** "Section 1. Section 18-2-402, MCA, is amended to read:

"18-2-402. **Standard prevailing rate of wages.** (1) The commissioner may determine the standard prevailing rate of wages, including fringe benefits, applicable to public works contracts under this part. The commissioner shall keep and maintain copies of collective bargaining agreements and other information on which the rates are based.

(2) The provisions of this part do not apply in those instances in which the standard prevailing rate of wages is determined by federal law.

(3) Whenever this part is applicable, the standard prevailing rate of wages, including fringe benefits, is the ~~may be equal to but not greater than~~ of the highest applicable rate of wages in the area for the particular work in question as negotiated under existing and current collective bargaining agreements or the rate determined by the applicable survey under this part."

{Internal References to 18-2-402: None.}"

5. Page 1, line 19.

**Strike:** "heavy construction and"

6. Page 2, line 16.

**Following:** "plus"

**Insert:** "zone pay, per diem, and"

7. Page 2, line 23.

**Following:** "(b)"

**Insert:** "(i)"

8. Page 2, line 25.

**Following:** "wage."

**Insert:** "(ii)"

9. Page 2, line 26.

**Strike:** "that wage"

**Insert:** "then the higher of the collective bargaining agreement  
rate or the surveyed rate"

10. Page 4, line 1.

**Strike:** "(a)"

11. Page 4, line 3.

**Strike:** "(i)"

**Insert:** "(a)"

12. Page 4, line 6.

**Strike:** "or"

13. Page 4, line 7.

**Strike:** "(ii)"

**Insert:** "(b)"

14. Page 4, line 8.

**Following:** "Montana"

**Insert:** "; or

(c) use, as provided by rule, a combination of surveyed  
rates, as provided in subsection (2)(a), and rates adopted by  
reference, as provided in subsection (2)(b)"

15. Page 4, lines 9 through 11.

**Strike:** subsection (b) in its entirety

16. Page 4, line 13.

**Following:** "zone pay"

**Insert:** ", per diem,"

17. Page 4, line 14.

**Following:** "allowances"

**Insert:** ", if applicable,"

18. Page 4, lines 22 through 28.

**Strike:** "-- zone pay or per diem" on line 22

**Strike:** subsections (1) and (2) in their entirety

**Insert:** "(1) The contracting agency shall determine, based on the preponderance of labor hours to be worked, whether the public works construction services project is classified as a highway construction project, a heavy construction project, or a building construction project.

(2) Once the project has been classified, employees in each trade classification who are working on that project must be paid at the rate for that project classification."

19. Page 4.

**Following:** line 29

**Insert:** "NEW SECTION. Section 5. Zone pay and per diem. If there is not sufficient data reported to establish zone pay or per diem for a trade classification, the department may establish a zone pay or a per diem amount that reasonably approximates an applicable average zone pay or per diem rate that is payable for the trade classification."

**Renumber:** subsequent section

20. Page 4, line 30.

**Strike:** "[Section 4] is"

**Insert:** "[Sections 4 and 5] are"

21. Page 5, line 1.

**Strike:** "[section 4]"

**Insert:** "[sections 4 and 5]"

- END -